

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>PATRICIA KAMMEYER, et al.</b>	:	Case No. C-1-01-649
<b>Plaintiffs</b>	:	<b>Spiegel, J. Black, MJ.</b>
<b>vs.</b>	:	
<b>CITY OF SHARONVILLE, et al.</b>	:	<b><u>PLAINTIFFS' MOTION TO AMEND ORDER, DOC. 195.</u></b>
<b>Defendants</b>	:	
	:	

Pursuant to F.R. Civ. Proc 54(b) Plaintiffs respectfully move to amend order, Doc. 195 to explicitly include former Hamilton County Prosecutor Simon Leis as a person that may be deposed in this matter on the same basis as former assistant prosecutor Terry Gaines.

**MEMORANDUM**

Pursuant to Rule 54(b) an order is subject to "revision at any time before the entry of judgment adjudicating all of the claims and the rights and liabilities of all of the parties." No entry adjudicating all of the claims has been entered in this case. On December 20, 2004, this Court granted plaintiffs the right to depose John Jay and Terry Gaines. Simon Leis was not mentioned in the order. Plaintiffs respectfully request that former prosecutor Simon Leis be explicitly included in the order to avoid any confusion as the parties proceed.

Simon Leis was included in the briefing by the parties (Doc. 177 and Doc. 181) and there is no prejudice to the defendants or to the Prosecutor by granting this order.

The basis for the deposition of Simon Leis is the same as that cited by the Court for the deposition of former assistant prosecutor Terry Gaines.

**Respectfully submitted,**

s/ Alphonse A. Gerhardstein  
Alphonse A. Gerhardstein # 0032053  
Trial Attorney for Plaintiffs  
Paul Laufman #0066667  
Attorney for the Plaintiff  
617 Vine Street, Suite 1409  
Cincinnati, Ohio 45202  
(513) 621-9100  
(513) 345-5543 fax  
[agerhardstein@laufgerhard.com](mailto:agerhardstein@laufgerhard.com)  
[plaufman@laufgerhard.com](mailto:plaufman@laufgerhard.com)

**Certificate of Service**

I here by certify that on December 24, 2004 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Alphonse A. Gerhardstein  
Alphonse A. Gerhardstein